



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/688,848	10/16/2000	Scott E. Andersen	38-21(51463)B

CONFIRMATION NO. 1817

## FORMALITIES LETTER



\*OC000000006065896\*

Lawrence M. Lavin, Jr.  
Patent Department, E2NA  
Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, MO 63167

Date Mailed: 05/11/2001



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

10/16/2000 10:11:11 AM 2001 05202343

05/11/2001

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

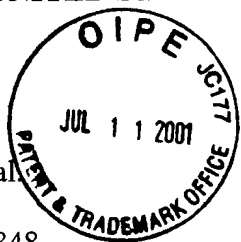
In re application of:

Scott E. Andersen, et al

Appln. No.: 09/688,848

Filed: October 16, 2000

For: Nucleic Acid Molecules and  
Other Molecules Associated  
with Plants



Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 16517.001/38-21(51463)B

**Response to Notice to File Missing Parts of  
Non-Provisional Application**

**Box Missing Parts**

Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application dated May 11, 2001, and accompanying Raw Sequence Listing Error Report, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. copy of the Notice to File Missing Parts of Non-Provisional Application;
2. original Combined Declaration and Power of Attorney for Patent Application, executed by Scott E. Andersen (3 pages);
3. original Combined Declaration and Power of Attorney for Patent Application, executed by James D. Masucci (3 pages);
4. check no. 133290 in the amount of \$130.00 to cover:

\$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16).

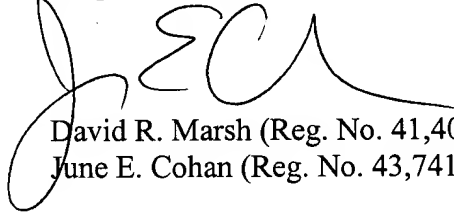
5. substitute written sequence listing (copy 1 and copy 2) and computer readable form (CRF) for the above-referenced application, all on CD-ROM;
6. a Preliminary Amendment directing entry of the sequence listing into the specification;
7. a Statement Regarding Sequence Submission; and
8. return postcard.

Submitted herewith is a substitute written sequence listing (Copy 1 and Copy 2) and a sequence listing Computer Readable Form (CRF), all of which are herein incorporated by reference. All three CD-ROMs each contain one file called "38-21(15463)B seq listing.txt" which is 3,713,313 bytes in size (measured in MS-DOS) and which was created on July 11, 2001.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment, to our Deposit Account No. 50-1824 under reference number 16517.001/38-21(51463)B. A duplicate copy of this Response is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

June E. Cohan (Reg. No. 43,741)

Date: July 11, 2001

ARNOLD & PORTER  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206  
(202) 942-5000 telephone  
(202) 942-5999 facsimile

# ARNOLD & PORTER



202.942.5000  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206

July 11, 2001

Commissioner for Patents  
Washington, DC 20231

*Attention: Box Sequence*

Re: U.S. Utility Application No. 09/688,848  
Filed: October 16, 2000  
For: Nucleic Acid Molecules and Other Molecules  
Associated with Plants  
Inventors: Scott E. Andersen, et al.  
Atty. Docket: 16517.001/38-21(51463)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice to File Missing Parts of Non-Provisional Application;
2. copy of the Notice to File Missing Parts of Non-Provisional Application;
3. original Combined Declaration and Power of Attorney for Patent Application, executed by Scott E. Andersen (3 pages);
4. original Combined Declaration and Power of Attorney for Patent Application, executed by James D. Masucci (3 pages);
5. check no. 133290 in the amount of \$130.00 for late filing of declaration;
6. substitute written sequence listing (copy 1 and copy 2) and computer readable form (CRF) for the above-referenced application, all on CD-ROM;
7. a Preliminary Amendment directing entry of the sequence listing into the specification;
8. a Statement Regarding Sequence Submission; and
9. return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

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# ARNOLD & PORTER

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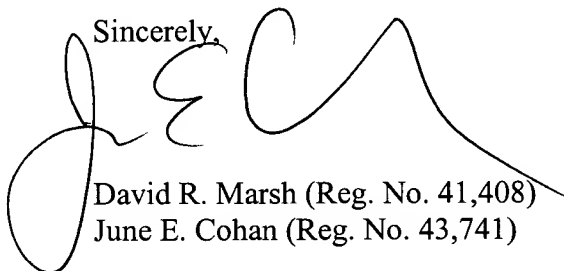
Commissioner for Patents  
09/688,848  
July 11, 2001  
Page 2

As noted on the Declarations submitted herewith, please direct all correspondence to:

Lawrence M. Lavin, Jr.  
Monsanto Company  
800 N. Lindbergh Blvd.  
Patent Department E2NA  
St. Louis, Missouri 63167

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824 under reference number 16517.001/38-21(51463)B. A duplicate copy of this letter is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to be 'D R Marsh', written over the typed name.

David R. Marsh (Reg. No. 41,408)  
June E. Cohan (Reg. No. 43,741)

Enclosures